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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,328	03/12/2004	Barry W. Allen	NC072-US2/5487-145	6240

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Tyco Electronics Corporation
Intellectual Property Law Department
M/S R20/2B
307 Constitution Drive
Menlo Park, CA 94026-1164

EXAMINER

LEPISTO, RYAN A

ART UNIT	PAPER NUMBER
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2883

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8m

Office Action Summary

Application No.

10/799,328

Applicant(s)

ALLEN ET AL.

Examiner

Ryan Lepisto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 15, 17, 18, 22, 24-27 and 39-45 is/are rejected.
- 7) ☒ Claim(s) 12, 14, 16, 19-21, 23, 28-38, 46 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/04, 9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-6, 17-18, 24-26 and 39-45** are rejected under 35 U.S.C. 102(b) as being anticipated by **Puetz et al (US 6,424,781 B1)** (Puetz). Puetz teaches an interconnection cabinet for optical fibers (Fig. 1) comprising an enclosure (20 with doors 52, 54, 56, 58), splitter (splice trays 46, part of 44) mounted in the enclosure having a plurality of optical fiber connectorized pigtails (column 4 lines 33-39) for splitting an input fiber from a feeder cable from a central office (column 5 lines 6-8, column 7 line 49 through column 8 line 6) into many connectorized pigtails (column 5 lines 8-9, column 6 lines 13-15) that allow connection (coupling) (via jumpers) or decoupling to connections of termination panels (32) (implying sufficient length) (column 6 lines 8-9), termination panels (32) mounted, yet removable through the front of the enclosure (column 4 lines 17-23) in the enclosure having a plurality of optical fiber connections (Figs. 4-5, 142) associated with subscriber locations (column 6 lines 36-45, column 7 line 49 through column 8 line 6) from the splitters (44) wherein the front panel (124) is pivotally mounted in the enclosure to allow access to the front (having the fiber plugs, 142) and back (having mating fiber plugs 142) (Fig. 7) of the connections (132) from the front of the

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enclosure (Figs. 4-7, column 6 lines 17-23), a spool system (86) mounted in the enclosure configured to receive and store excess cable length of the pigtails (column 5 lines 26-32) comprising a plurality of spools (Fig. 1) displaced from each other by a distance corresponding to a distance between connections on the termination panels (32), specifically there are preferably two spools per termination panel (column 5 lines 29-31).

2. **Claims 25 and 27** are rejected under 35 U.S.C. 102(b) as being anticipated by **van Overmeir (EP 1160603 A1)** (Overmeir). Overmeir teaches an optical fiber termination module (Fig. 1) comprising a mounting member (11) mounted to support for optical fibers (paragraph 0024), a bulkhead termination panel (19) pivotally mounted to the mounting member (11) via panel (14) (paragraph 0025) to allow access to the back side of the termination panel (19) (paragraph 0029), a plurality of optical fiber connection members (20) in the termination panel (19) and a splice chamber (16) mounted to the mounting member (11) via panel (14) configured to receive splice modules (paragraph 0026).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 7-11, 13, 15 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Overmeir and further in view of the knowledge of one of ordinary skill in the art at the time of the invention. Note Overmeir may be used in a 103(a) rejection with regard to claims 2-3 and 6 if necessary.

Overmeir teaches an optical fiber termination module (Fig. 1) for distribution of fibers to various destinations (paragraph 0002) comprising a mounting member (11) mounted to support for optical fibers (paragraph 0024), a bulkhead termination panel (19) pivotally mounted to the mounting member (11) via panel (14) (paragraph 0025) to allow access to the back side of the termination panel (19) (paragraph 0029), a plurality of optical fiber connection members (20) in the termination panel (19), a splice chamber (16) with connectorized pigtails (all having the length to be able to reach the furthestmost connection, imply the same length, paragraph 0005) extending from them to the back of the termination panel and mounted to the mounting member (11) via panel (14) configured to receive splice modules (paragraph 0026) and can be pivoted with panel (14) and a movable cable securing member (25) to receive and secure fiber cable to retain a certain bend radius to retain a strength member of the fiber cable, like the connector, from damage and being able to be positioned in different positions based on where the panel (14) which the securing member (25) is part of is pivoted.

Overmeir does not teach expressly the module being enclosed or that the termination module is removable.

Overmeir does teach that a various number of termination modules can be used (paragraph 0031).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art that since any number of different layouts and number of termination modules may be used, they are removable and interchangeable. At the time of the invention, it would also have been obvious to a person of ordinary skill in the art to enclose such a module in an enclosure, since this practice has widely been used in art and therefore adding an enclosure does not add an inventive step.

The motivation for doing so would have been allow design flexibility by allowing different layouts without having to manufacture a different module each time and to protect the optical fibers from dust and other environmental factors by enclosing the module.

Allowable Subject Matter

4. **Claims 12, 14, 16, 19-21, 23, 28-38 and 46-47** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 12, 14, 16, 19, 23, 28 and 46: These claims would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims because the latter, either alone or in combination, does not disclose nor render obvious a termination panel with a

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splice chamber mounted adjacent the back side of the termination panel wherein both the termination panel and splice chamber are independently able to pivot, a cable securing member that is movable, able to pivot about a neutral axis having an arc length for a cable secured therein and detachable, a double-wall enclosure for passive cooling or the distance between first and last spools being about half the distance between first and last rows of connection members on the termination panels, in combination with the rest of the claimed limitations.

With regard to claims 20-21, 29-38 and 47: These claims would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims because they depend from claims containing allowable subject matter.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following reference all show the state of the art at the time of the applicant invention: Barry et al (US 5,640,482), Wheeler et al (US 5,758,003), Walters (US 5,758,002), Walters et al (US 5,825,962), Summach (US 5,913,006), Szentesi et al (US 6,044,193), Thompson et al (US 6,160,946), Noble et al (US 6,181,862 B1), Abbott et al (US 6,195,494 B1), Puetz et al (US 6,201,919 B1), Bechamps et al (US 6,256,444 B1), BuAbbud et al (US 6,278,829 B1), Van Hees et al (US 6,289,159 B1), Vavrik et al (US 6,362,422 B1), Hines et al (US 6,398,149 B1), Puetz et al (US 6,418,262 B1), Zarnowitz (US 6,438,311 B1), Solheid et al (US

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2002/0118943 A1), Follingstad et al (US 6,468,112 B1), Mendoza (US 6,467,633 B2), Harrison et al (US 6,487,356 B1), Puetz et al (US 2002/0176681 A1), Marrs et al (US 6,501,899 B1), Solheid et al (US 6,532,332 B2), Puetz et al (US 6,535,682 B1), Puetz et al (US 6,556,763 B1), Solheid et al (US 2003/0095772 A1), Yarkosky et al (US 6,571,047 B1), Carveney et al (US 6,584,267 B1), Solheid et al (US 6,591,051 B2), Caveney (US 6,614,978 B1), Tinucci et al (US 2003/0185535 A1), Knight et al (US 6,633,717 B1), Knudsen (US 2004/0037533 A1), Puetz et al (US 6,711,339 B2), Solheid et al (US 6,760,531 B1), Clapp, Jr. et al (US 6,792,191 B1), Krampotich et al (US 6,796,437 B2), Tinucci et al (US 6,850,685 B2), Barker et al (US 6,866,541 B2).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Lepisto whose telephone number is (571) 272-1946. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan Lepisto

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Date: 5/2/05



Frank Font

Supervisory Patent Examiner

Technology Center 2800